IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION NO.2952 of 2004

Demani Shipping Pvt. Ltd.....Petitioners
Versus
Commissioner of Custom & Anr...Respondents

Mr.V.M. Thorat, for the Petitioner
Mr.Rajiv Chavan, i/b.Dr. T.C. Kaushik, for Respondent No.1.
Mr. J.Saluja i/b. M.V. Kini & Co., for the Respondent No.2.

CORAM: F.I. REBELLO & S.P.KUKDAY, JJ.
DATE : 25th April,2005

. The main relief in the petition is directed against the respondent No.2. The contention of the petitioner is that no order has been passed by the respondent No.1 for allowing to shift the goods and in these circumstances they are not liable. Whether the respondent No.1 is liable for any action by the petitioner is a different issue. Admittedly the goods were lying in the premises of Respondent No.2. Presently in terms of the statement made on behalf of the Respondent No.1 by the learned Counsel, the goods are at Customs Room at Air Cargo Complex at Sahar from 1st November, 2004. In the light of that the relief in terms of prayer clause (a) cannot be granted.

2. If the petitioner pays the balance amount the respondent No.2 on the representation made by the petitioner to permit them to carry on their clearing and forwarding business to communicate his decision within four weeks of making such representation.

. It will be open to the petitioner, if he is aggrieved by any action of the respondent No.1 to pursue their remedies independently. With the above observation petition stands disposed of.

(F.I.REBELLO, J.)

(S.P. KUKDAY, J.)